IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 3222 of 2007

RAM SINGH & ORS.
V/S
DISTRICT REHABILITATION OFFICER & ORS.

Mr. SL JAIN, for the appellant / petitioner

Date of Order : 30.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

The petitioner by this petition seeks to challenge the orders Annex.8 and 9, and seek compliance of order Annex.4 being the order dated 10.9.97 passed by this Court in S.B.C.W.P.No.4542/90.

A look at Annex.4 shows that, that was a writ by LRs of Kartar Singh being Gurdeo Kaur, Prakash Kaur, Kailash Kaur and Suwarnkaur, and was filed against the government officials and respondent No.5 Kartaro Bai was impleaded as a private respondent as the controversy was qua her only. By Annex.4, the interference in the order of the Divisional Commissioner remanding the matter was declined, as the only grievance was, about appointment of Receiver. However, the District Rehabilitation Officer was directed to decide the matter within three months from the date of submission of the order. According to the petitioner, thereafter the District Rehabilitation Officer

was to decide the matter, while vide Annex.8 he has closed the matter in view of repeal of the Act w.e.f. 18.10.2005, and has ordered the property to be auctioned, which is bad.

A look at the order Annex.3 does show that the dispute regarding the land was between Kartar Singh and Kartaro Bai. That matter came to this Court, which was decided vide Annex.4. In the present writ petition, Kailash Kaur is the petitioner, who was petitioner in aforesaid writ No.4542/90, while the other petitioners in the present writ claim to be the heirs of Prakash Kaur and Suwarnkaur, while Gurdeo Kaur said to be widow of Kartar Singh, who said to have died and Prakash Kaur and Suwarnkaur are also pleaded to have died.

A look at Annex.3 shows, that the matter was remanded to the District Rehabilitation Officer for adjudicating the controversy, as to whether Kartaro is the daughter of allottee Bakhtawar Singh or not, and for that the District Rehabilitation Officer was directed to conduct a detailed inquiry on the spot, and arrive at a conclusion, and it was further directed, that in the event of his being unable to arrive at any conclusion, then the concerned party should be directed to obtain succession certificate from the competent Court.

In these circumstances, to say the least, Kartaro

was the only effected and necessary party, having a lis against the petitioners, and she having not been impleaded as party, the writ petition cannot be said to be competent, and therefore, the same is dismissed on this count.

(N P GUPTA),J.

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